



TESTIMONY BEFORE THE
JOINT COMMITTEE ON JUDICIARY
REGARDING RAISED SENATE BILL 1032
March 6, 2015

I am Paul W. Brady, Executive Director of the American Council of Engineering Companies of Connecticut (ACEC/CT), representing over 90 engineering firms and the Connecticut Society of Professional Engineers, representing over 250 licensed Professional Engineers in Connecticut.

On behalf of both organizations, I would like to testify in support of Raised Senate Bill 1032, AN ACT CONCERNING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO CONSTRUCTION AND DESIGN ACTIONS BROUGHT BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

This bill would address the holding in *State of Connecticut v. Lombardo Brothers Mason Contractors, Inc., et.al.* regarding the common law doctrine of "*nullum tempus occurrit regi*" as it applies to the state's statute of repose and statute of limitations in design and construction contracts.

We strongly support the concept of applying the statute of limitations fairly to state agencies as it is applied to private parties. We cannot see any fair or reasonable purpose to give the state an unlimited time to bring a lawsuit. Design and construction problems are readily identified within a few years of the completion of a project (as it was in the UConn Law School Library project).

Construction projects are complex efforts that involve many participants and voluminous records. It is good public policy to require plaintiffs to file a lawsuit within a reasonable period of time so that records can be preserved and before participants' memories are lost.

It is also in the state's best interest to be expedient. The sooner a dispute is resolved, the sooner the building can be repaired and, if the state prevails, the sooner the state gets its settlement.

It's my understanding that *nullum tempus* dates back to English common law and is translated as "No time runs against the King." We no longer have a monarchy. It's time that we have laws that reflect today's economic and legal realities.

Thank you for your consideration.

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